

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JAVIER ESPINOZA,
Plaintiff,
v.
WASTEQUIP MANUFACTURING
COMPANY, LLC,
Defendant.

) Case No.: 1:20-CV-0211- JLT
)

) SCHEDULING ORDER¹ (Fed. R. Civ. P. 16)
)

) Pleading Amendment Deadline: 7/27/2020
)

) Discovery Deadlines:
Initial Disclosures: 5/8/2020
Non-Expert: 11/13/2020
Expert: 1/25/2021
Mid-Discovery Status Conference:
7/29/2020 at 8:30 a.m.
)

Non-Dispositive Motion Deadlines:
Filing: 2/1/2021
Hearing: 3/1/2021

Dispositive Motion Deadlines:
Filing: 3/15/2021
Hearing: 4/26/2021

**Pre-Trial Conference:
6/21/2021 at 10:00 a.m.
510 19th Street, Bakersfield, CA**

Trial: 8/2/2021 at 8:30 a.m.
510 19th Street, Bakersfield, CA
Jury trial: 3 days

¹ The Court finds the information provided by the parties in their Joint Scheduling Report and Scheduling Conference Worksheet sufficient to schedule the action without a hearing. Accordingly, the scheduling conference set for April 30, 2020 is VACATED.

1 **I. Pleading Amendment Deadline**

2 Any requested pleading amendments are ordered to be filed, either through a stipulation or
3 motion to amend, no later than **July 27, 2020**.

4 **II. Discovery Plan and Cut-Off Date**

5 The parties are ordered to exchange the initial disclosures required by Fed. R. Civ. P. 26(a)(1)
6 on or before **May 8, 2020**.

7 The parties are ordered to complete all discovery pertaining to non-experts on or before
8 **November 13, 2020**, and all discovery pertaining to experts on or before **January 25, 2021**.

9 The parties are directed to disclose all expert witnesses, in writing, on or before **December 18,**
10 **2020**, and to disclose all rebuttal experts on or before **January 25, 2021**. The written designation of
11 retained and non-retained experts shall **be made pursuant to Fed. R. Civ. P. Rule 26(a)(2), (A), (B),**
12 **and (C) and shall include all information required thereunder**. Failure to designate experts in
13 compliance with this order may result in the Court excluding the testimony or other evidence offered
14 through such experts that are not disclosed pursuant to this order.

15 The provisions of Fed. R. Civ. P. 26(b)(4) and (5) shall apply to all discovery relating to experts
16 and their opinions. Experts must be fully prepared to be examined on all subjects and opinions
17 included in the designation. Failure to comply will result in the imposition of sanctions, which may
18 include striking the expert designation and preclusion of expert testimony.

19 The provisions of Fed. R. Civ. P. 26(e) regarding a party's duty to timely supplement
20 disclosures and responses to discovery requests will be strictly enforced.

21 A mid-discovery status conference is scheduled for **July 29, 2020** at 8:30 a.m. before the
22 Honorable Jennifer L. Thurston, U.S. Magistrate Judge, located at 510 19th Street, Bakersfield,
23 California. Counsel SHALL file a joint mid-discovery status conference report one week before the
24 conference. Counsel also SHALL lodge the status report via e-mail to JLTorders@caed.uscourts.gov.
25 The joint statement SHALL outline the discovery counsel have completed and that which needs to be
26 completed as well as any impediments to completing the discovery within the deadlines set forth in this
27 order. Counsel may appear via teleconference by dialing (888) 557-8511 and entering Access Code
28 1652736, provided the Magistrate Judge's Courtroom Deputy Clerk receives a written notice of the

1 intent to appear telephonically no later than five court days before the noticed hearing date.

2 **III. Pre-Trial Motion Schedule**

3 All non-dispositive pre-trial motions, including any discovery motions, shall be filed no later
4 than **February 1, 2021**², and heard on or before **March 1, 2021**. The Court hears non-dispositive
5 motions at 9:00 a.m. at the United States District Courthouse in Bakersfield, California.

6 **No motion to amend or stipulation to amend the case schedule will be entertained unless it**
7 **is filed at least one week before the first deadline the parties wish to extend.** Likewise, no written
8 discovery motions shall be filed without the prior approval of the assigned Magistrate Judge. A party
9 with a discovery dispute must first confer with the opposing party in a good faith effort to resolve by
10 agreement the issues in dispute. If that good faith effort is unsuccessful, the moving party promptly
11 shall seek a telephonic hearing with all involved parties and the Magistrate Judge. It shall be the
12 obligation of the moving party to arrange and originate the conference call to the court. To schedule
13 this telephonic hearing, the parties are ordered to contact the Courtroom Deputy Clerk, Susan Hall, at
14 (661) 326-6620 or via email at SHall@caed.uscourts.gov. **Counsel must comply with Local Rule 251**
15 **with respect to discovery disputes or the motion will be denied without prejudice and dropped**
16 **from the Court's calendar.**

17 All dispositive pre-trial motions shall be filed no later than **March 15, 2021**, and heard no later
18 than **April 26, 2021**, before the Honorable Jennifer L. Thurston, United States Magistrate Judge, at the
19 United States District Courthouse in Bakersfield, California. In scheduling such motions, **counsel shall**
20 **comply with Fed. R. Civ. P. 56 and Local Rules 230 and 260.**

21 **IV. Motions for Summary Judgment or Summary Adjudication**

22 **At least 21 days before** filing a motion for summary judgment or motion for summary
23 adjudication, the parties are **ORDERED** to meet, in person or by telephone, to confer about the issues
24 to be raised in the motion.

25 The purpose of the meeting shall be to: 1) avoid filing motions for summary judgment where a
26 question of fact exists; 2) determine whether the respondent agrees that the motion has merit in whole
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² Non-dispositive motions related to non-expert discovery SHALL be filed within a reasonable time of discovery of the dispute, but not later than 30 days after the expiration of the non-expert discovery deadline.

1 or in part; 3) discuss whether issues can be resolved without the necessity of briefing; 4) narrow the
2 issues for review by the court; 5) explore the possibility of settlement before the parties incur the
3 expense of briefing a motion; and 6) to develop a joint statement of undisputed facts.

4 The moving party **SHALL** initiate the meeting and **SHALL** provide a complete, proposed
5 statement of undisputed facts **at least five days before** the conference. The finalized joint statement of
6 undisputed facts **SHALL** include all facts that the parties agree, for purposes of the motion, may be
7 deemed true. In addition to the requirements of Local Rule 260, the moving party shall file the joint
8 statement of undisputed facts.

9 In the notice of motion the moving party **SHALL** certify that the parties have met and conferred
10 as ordered above, or set forth a statement of good cause for the failure to meet and confer. **Failure to**
11 **comply may result in the motion being stricken.**

12 **V. Pre-Trial Conference**

13 **June 21, 2021**, at 10:00 a.m., located at the United States District Courthouse in Bakersfield,
14 California, before the Honorable Jennifer L. Thurston, United States Magistrate Judge.

15 The parties are ordered to file a **Joint Pretrial Statement pursuant to Local Rule 281(a)(2).**
16 The parties are further directed to submit a digital copy of their pretrial statement in Word format,
17 directly to Judge Thurston's chambers, by email at JLThorders@caed.uscourts.gov.

18 Counsels' attention is directed to **Rules 281 and 282 of the Local Rules** of Practice for the
19 Eastern District of California, as to the obligations of counsel in preparing for the pre-trial conference.
20 The Court will insist upon strict compliance with those rules. In addition to the matters set forth in the
21 Local Rules the Joint Pretrial Statement shall include a Joint Statement of the case to be used by the
22 Court to explain the nature of the case to the jury during voir dire.

23 **VI. Trial Date**

24 **August 2, 2021**, at 8:30 a.m. at the United States District Courthouse in Bakersfield, California,
25 before the Honorable Jennifer L. Thurston, United States Magistrate Judge.

26 A. This is a jury trial.
27 B. Counsels' Estimate of Trial Time: 3 days.
28 C. Counsels' attention is directed to Local Rules of Practice for the Eastern District of

1 California, Rule 285.

2 **VII. Settlement Conference**

3 If the parties desire a conference with the Court, they may file a joint written request for a
4 settlement conference. Alternatively, the parties may file a joint written request for referral to the
5 Court's Voluntary Dispute Resolution Program.

6 **VIII. Request for Bifurcation, Appointment of Special Master, or other Techniques to Shorten**
7 **Trial**

8 Not applicable at this time.

9 **IX. Related Matters Pending**

10 There are no pending related matters.

11 **X. Compliance with Federal Procedure**

12 All counsel SHALL familiarize themselves with the Federal Rules of Civil Procedure and the
13 Local Rules of Practice of the Eastern District of California, and to keep abreast of any amendments
14 thereto. The Court must insist upon compliance with these Rules to efficiently handle its increasing
15 case load, and sanctions will be imposed for failure to follow both the Federal Rules of Civil Procedure
16 and the Local Rules of Practice for the Eastern District of California.

17 **XI. Effect of this Order**

18 The foregoing order represents the best estimate of the court and counsel as to the agenda most
19 suitable to dispose of this case. The trial date reserved is specifically reserved for this case. If the
20 parties determine at any time that the schedule outlined in this order cannot be met, counsel are ordered
21 to notify the court immediately of that fact so that adjustments may be made, either by stipulation or by
22 subsequent status conference.

23 **The dates set in this order are firm and will not be modified absent a showing of good**
24 **cause even if the request to modify is made by stipulation. Stipulations extending the deadlines**
25 **contained herein will not be considered unless they are accompanied by affidavits or declarations,**
26 **and where appropriate attached exhibits, which establish good cause for granting the relief**
27 **requested.**

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1 Failure to comply with this order may result in the imposition of sanctions.
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3 IT IS SO ORDERED.

4 Dated: April 29, 2020

5 /s/ Jennifer L. Thurston
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